

It is submitted that the inventions disclosed (and as somewhat recognized by the Examiner) are both species under a claimed genus and related. Thus, the claims of the inhalation device 1 through 21 are defined in terms of a device for opening the type of container or pack defined in claims 22-26. Of necessity, the pack is inherent in the article claims. The Examiner states that the search required for the Group I invention is not required for the Group II. However, it is submitted that in view of the invention as defined by either group of claims, and certainly to the elected claims, a search must include both the device defined by claims 1-21 and the type of pack for which the device is designed. Accordingly, it is submitted that the fact that different fields of search may be required is not a reason for election since both fields of search will be required for the invention defined by claims 1-21.

It is further submitted that in view of the relationship, that restriction is not appropriate under any practice applicable to election of species or practice applicable to any other type of restriction. Certainly, it is submitted that it is not appropriate under the restriction requirements of M.P.E.P. §806.05(d).

It is also noted that the Examiner has taken the position that the invention of Group II has separate utility such as a means for packaging microelectronic devices. However, the invention defined by claims 22-26 is limited to a pack that contains medicament and not to a general package. Accordingly,

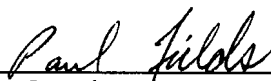
it is submitted that the foregoing is a further reason why restriction should not be required.

Additionally, the Examiner has objected to the drawings. In this respect, new formal drawings are submitted herewith.

In view of the above, it is respectfully requested that the request for restriction be withdrawn and that an action be issued on all the claims in this application.

Respectfully submitted,

Dated: 1 May 1992

  
\_\_\_\_\_  
Paul Fields  
Registration No. 20,298  
Attorney for Applicant(s)

DARBY & DARBY  
805 Third Avenue  
New York, NY 10022  
(212) 527-7700